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No. 06-1045

In the Supreme Court of the United States

JOHN GALE, in his official capacity as Secretary of State of Nebraska, and JON BRUNING, in his official capacity as Attorney General of Nebraska,

Petitioners,

v.

JIM JONES; TERRENCE M. SCHUMACHER; SHAD DAHLGREN; HAROLD G. RICKERTSEN; TODD EHLER; and ROBERT E. BECK III,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* AND BRIEF OF *AMICI CURIAE* NATIONAL FARMERS UNION, NATIONAL FAMILY FARM COALITION, AND 40 OTHER ORGANIZATIONS IN SUPPORT OF PETITIONERS

(Additional *Amici* Listed on Inside Cover)

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ADDITIONAL *AMICI CURIAE*

American Corn Growers Association

Campaign for Family Farms and the Environment

Center for Rural Affairs

Federation of Southern Cooperatives

Great Plains Environmental Law Center

Institute for Agriculture and Trade Policy

Western Organization of Resource Councils

American Corn Growers Association of Nebraska

Arkansas Farmers Union

California Farmers Union

Citizens Action Coalition of Indiana

Dakota Resource Council

Dakota Rural Action

Farms Without Harm

Friends of the Constitution

Illinois Farmers Union

Illinois Stewardship Alliance

Indiana Farmers Union

Iowa Farmers Union

Kansas Farmers Union

Land Stewardship Project

Michigan Farmers Union

Minnesota Farmers Union

Missouri Farmers Union

Missouri Rural Crisis Center

Montana Farmers Union

Nebraska Environmental Action Coalition

Nebraska Farmers Union

Nebraska Grange

Nebraska Women In Farm Economics

North Dakota Farmers Union

Ohio Farmers Union

Pennsylvania Farmers Union

Powder River Basin Resource Council

Rocky Mountain Farmers Union

South Dakota Farmers Union

Texas Farmers Union

Utah Farmers Union

Washington Farmers Union

Wisconsin Farmers Union

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*

Pursuant to Rule 37.2(b) of the Rules of this Court, National Farmers Union, National Family Farm Coalition, American Corn Growers Association, Campaign for Family Farms and the Environment, Center for Rural Affairs, Federation of Southern Cooperatives, Great Plains Environmental Law Center, Institute for Agriculture and Trade Policy, Western Organization of Resource Councils, American Corn Growers Association of Nebraska, Arkansas Farmers Union, California Farmers Union, Citizens Action Coalition of Indiana, Dakota Resource Council, Dakota Rural Action, Farms Without Harm, Friends of the Constitution, Illinois Farmers Union, Illinois Stewardship Alliance, Indiana Farmers Union, Iowa Farmers Union, Kansas Farmers Union, Land Stewardship Project, Michigan Farmers Union, Minnesota Farmers Union, Missouri Farmers Union, Missouri Rural Crisis Center, Montana Farmers Union, Nebraska Environmental Action Coalition, Nebraska Farmers Union, Nebraska Grange, Nebraska Women In Farm Economics, North Dakota Farmers Union, Ohio Farmers Union, Pennsylvania Farmers Union, Powder River Basin Resource Council, Rocky Mountain Farmers Union, South Dakota Farmers Union, Texas Farmers Union, Utah Farmers Union, Washington Farmers Union, and Wisconsin Farmers Union (collectively, "*Amici Curiae*") respectfully move for leave to file the accompanying brief as *Amici Curiae* in support of the Petition for Writ of Certiorari filed by Petitioners the Nebraska Secretary of State and Attorney General. Counsel for Respondents have not consented to the filing of this *amici curiae* brief, necessitating this motion.

Amici Curiae represent 42 rural and farmer-based organizations, representing hundreds of thousands of members, who have advocated for many years for the strengthening of family farms and rural communities. *Amici Curiae* write separately to emphasize the broad importance of this case. The

Eighth Circuit Court of Appeals struck down Nebraska's constitutional amendment, known as "Initiative 300" or "I-300," restricting corporations from farming or having an ownership interest in farmland. The Eighth Circuit's decision would leave vulnerable to dormant Commerce Clause challenge many other important state laws regulating corporate engagement in agriculture. *Amici Curiae* have worked to enact and protect state laws like I-300 that support family farmers; they therefore have an interest in supporting this Petition for Writ of Certiorari.

In light of the important issues being raised in this case, *Amici Curiae* respectfully request that their Motion for Leave to File Brief of *Amici Curiae* be granted.

Respectfully Submitted,

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INTEREST OF *AMICI CURIAE*[1]

Amici Curiae represent four national, five regional, and 33 state organizations that believe in, depend on, and actively work to support a family farm system of agriculture. Collectively, *Amici Curiae* represent well over a quarter of a million family farmers and tens of thousands of other members who are personally committed to preserving and creating a vibrant rural America. Each organization is described individually in the attached Appendix.

These organizations and their members know firsthand the benefits rural communities realize by supporting family-owned and -operated farms, and conversely the negative externalities caused by non-family-owned corporate investment in agriculture. All of these organizations support state laws, like the Nebraska constitutional provision at issue here, that regulate when and how non-family-based corporate entities may engage in agriculture.

The Eighth Circuit's decision to strike down Nebraska's voter-initiated law regulating which farm entities may use the benefit of a state-created limited liability shield undermines the family farm to the detriment of rural communities. The ability of states to promote and protect the health and well-being of struggling rural communities is of exceptional importance. If the decision below is not reversed, *Amici Curiae* are justifiably concerned it will open a floodgate to challenges to laws of other states—many of them also within the predominantly agricultural Eighth Circuit—that seek to promote the benefits of a family-farm system of agriculture. Therefore, *Amici Curiae* all have a vital interest in this Court granting the Petition for Writ of Certiorari and reversing the Eighth Circuit's decision.

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[1] No counsel for a party authored this brief in whole or in part, nor did any person or entity, other than *Amici* or their counsel, make a monetary contribution to the preparation or submission of this brief.

STATEMENT OF THE CASE

Family-owned and -operated farms are the backbone of rural communities. Studies show that these family farms generate real and measurable benefits for their local communities. In contrast, academic and government studies regularly show that the health and well-being of rural communities decline as non-family-owned corporate entities shielded from personal liability take over farming operations: rural poverty increases, unemployment rates go up, civic participation declines, and children's health and welfare suffer.

In an effort to capture and promote the significant social welfare benefits derived from family-owned and -operated farms, states and citizens have enacted laws and constitutional amendments that, to varying degrees, regulate or restrict non-family-owned corporations' ability to own farmland and engage in farming. These laws do not implicate any *individual's* right to farm. Instead, these laws merely limit access to a state-created limited liability shield. Generally, these laws require that, in order to invoke the benefit of a liability-shielded business form, a farming entity must have some family connection to the land and at least one family member must maintain some direct connection to the farming operation. The logic is simple: When farmers have a direct allegiance to a particular farm and to its surrounding community, the risks of corporate ownership—where personal accountability to local residents and to the property does not necessarily exist—diminish or disappear.

Nebraska's constitutional amendment, known as "Initiative 300" or "I-300," was passed in 1982 by 56 percent of the voting public. For more than 30 years, I-300 has evenhandedly prohibited all limited liability entities from owning farm or ranch land, and from engaging in farming or ranching. Neb. Const. Art. XII, Sec. 8(1). I-300 provides an exception for family farm or ranch corporations "in which the majority of the voting stock is held by members of a family" and at least one family member "is a person residing on or actively engaged in the day to day labor and management of the

farm or ranch." *Id.* at Sec. 8(1)(A). Both in- and out-of-state family farm corporations may qualify for this exception equally. By emphasizing family ownership and direct family involvement in the farming operation, I-300 is precisely tailored to capture the proven social, environmental, and economic benefits of family-owned and -operated farming, and these important benefits far outweigh any incidental burden placed on interstate commerce.

The Eighth Circuit held I-300 discriminates against interstate commerce and invalidated it on the basis of the dormant Commerce Clause. *See Jones v. Gale*, 470 F.3d 1261 (8th Cir. 2006). *Amici Curiae* now ask this Court to grant the Nebraska officials' Petition for Writ of Certiorari, and to reverse the Eighth Circuit, thereby returning rationality to dormant Commerce Clause jurisprudence and providing certainty for state governments and citizens seeking to preserve and promote the benefits of family farming.

REASONS FOR GRANTING THE WRIT

The Eighth Circuit's decision places in doubt a host of state laws that, like I-300, regulate how and when corporations can invest in local agriculture. Geographically, the Eighth Circuit encompasses the heartland of American agriculture. Therefore, it is not surprising that other state laws that similarly regulate the forms of business entities that may engage in agriculture are concentrated within the Eighth Circuit, and no other Circuit has had—or is likely to have—an opportunity to review these important state regulations on a dormant Commerce Clause basis. Therefore, review by this Court is warranted and needed at this time.

In addition, the Eighth Circuit's decision implicates an issue of tremendous national importance: what the future of rural America will look like and what tools the states will be left with to determine that future. Social science supports the conclusion that permitting owners who are not personally connected to the farm to access liability-shielded business

entities adversely affects the health and welfare of whole rural communities. Conversely, family-owned and -operated farms provide a wide range of positive benefits to the social fabric of rural life. The Eighth Circuit's decision deprives states of their long-recognized ability to regulate to support family farms, putting the entire landscape of rural America at risk. Immediate review of the Eighth Circuit's decision is critical not only to clarify for states and citizens the scope of state authority, but also to preserve the vitality of a host of agriculture-dependent rural communities and the family farming way of life.

Finally, the particular method Nebraska has chosen to support family farms in I-300 is evenhanded and well conceived. I-300 is not discriminatory. It neutrally regulates the structure of business entities in agriculture, and it is not intended to advantage in-state interests as against out-of-state interests nor to create any barriers to interstate trade. I-300 addresses the particular act of farming or owning farmland within the state, and responds directly to the social welfare damage caused by unfettered corporate investment in agriculture by providing a narrow, carefully tailored exception for *any* corporation (whether in- or out-of-state) that maintains the social, environmental, health, and welfare benefits associated with a family-based structure of ownership and operation of farms and ranches. As such, I-300 is a core, non-discriminatory exercise of the state's police power.

I. The Decision Below Jeopardizes Similar State Laws Concentrated Within the Agricultural Eighth Circuit.

Based on convincing evidence that family farms are the most socially desirable form of agriculture, at least nine states have enacted laws that, to varying degrees, restrict non-family-owned corporations from engaging in farming or owning agricultural land. *See* Iowa Code §§ 9H.1, 9H.3 to 9H1.5, and 202B.101 to 202B.402; Kan. Stat. §§ 17-5902 to 17-5904; Minn. Stat. § 500.24; Mo. Rev. Stat. §§ 350.010 to 350.040; Neb. Const. Art. XII, Sec. 8(1); N.D. Cent. Code §§ 10-06.1-01

to 10.06.1-27; Okla. Const. Art. XXII § 2 and Okla. Stat. tit. 18, § 951; S.D. Codified Laws §§ 47-9A-1 to 47-9A-23;[2] and Wis. Stat. § 182.001. These states share a common concern about the effect liability-shielded farm entities have on rural communities and on agricultural properties within their boundaries, and recognize that family-owned and -operated farms are the foundation of the most sustainable and beneficial system of agriculture. These state laws, and other important state efforts to better the social welfare of rural communities, will be immediately at risk if the Eighth Circuit's decision is not reversed.

Because the vast majority of states that directly regulate business entities in agriculture are within the Eighth Circuit, this Petition presents a unique and important opportunity for this Court to address the constitutionality of these laws. The geography of the Eighth Circuit literally encompasses the agricultural center of this country. Naturally, most state efforts to regulate the structure of local agricultural activities and landholdings are therefore also within this Circuit. Thus, the Eighth Circuit's decision to strike down Nebraska's voter-enacted constitutional amendment on dormant Commerce Clause grounds casts a ripple of doubt on these laws and directly affects several states within the Eighth Circuit—

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[2] The Eighth Circuit previously struck down a voter-enacted South Dakota constitutional amendment, known as Amendment E, that regulated corporate engagement in agriculture. *See S.D. Farm Bureau, Inc. v. Hazeltine*, 340 F.3d 583 (8th Cir. 2003). In *Hazeltine*, the Eighth Circuit looked only to evidence in the particular legislative history of Amendment E and found a discriminatory purpose there. *Id.* at 593. The court expressly elected not to consider any other prong of the dormant Commerce Clause analysis. *Id.* Therefore, the constitutionality of this legal mechanism itself—*i.e.*, the constitutionality of regulating certain farm entities' access to a limited liability shield—was not directly considered.

including Iowa, Minnesota, Missouri, North Dakota, and South Dakota.

Moreover, in addition to state laws, like those cited above, that directly regulate the form of business entities permitted in agriculture, the Eighth Circuit's decision calls into question state laws that require some form of direct local accountability as a condition of doing business in the state. The degree to which an in-state connection can be required is an open question in this Court's dormant Commerce Clause jurisprudence. Thus, the Eighth Circuit's decision could raise serious questions about any state and local regulations that single out absentee landlords, that provide fair housing exceptions for landlords who physically reside in the place where rental units are being offered, that require certain professionals to maintain a bona fide physical office space in a given area, or that require these same professionals to be physically present for mandatory continuing education courses. The tenor of the Eighth Circuit's decision also casts doubt on an array of state zoning laws that intentionally restrict who can do what where, so that the state can shape the development of its own landscape and manage the structures of its local markets.

These questions are particularly opportune in the farm context at issue here. Farming is, by definition, entirely about a direct and physical connection to the land. As Thomas Jefferson recognized from the time of our nation's founding, "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bonds." 5 The Writings of Thomas Jefferson 93 (Albert E. Bergh ed.) (1905). When farmers and farmland owners are no longer "cultivators of the earth," but instead become anonymous business entities shielded by legal limits on personal liability, states are justifiably concerned.

This same pragmatic reasoning has been adopted by the federal government, which makes active owner-operation of a family farm a condition of eligibility for the United States

Department of Agriculture (USDA) Farm Service Agency's real estate and operating loans, an important source of agricultural credit.[3] In addition, an entire chapter of the federal bankruptcy code is set aside for the benefit of family farmers who are actually "engaged in a farm operation." 11 U.S.C. §§ 101(18)(A), 1201-31. And USDA has implemented an internal policy to develop and support programs focusing on the needs of owner-operated small farms and to reflect this purpose in all of its service areas. USDA Departmental Regulation No. 9700-1 § 4(b), 5(c) ("Small Farms Policy") (Sept. 8, 1999).[4]

Moreover, in other contexts, this Court has consistently recognized the power of states to act to preserve and promote a family farm system of agriculture, which is itself a long part of our national heritage.[5] For example, in upholding a North

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[3] These federal real estate and operating loans for farmers are limited to (1) individuals who operate a family farm; (2) entities whose majority interest is held by persons related by blood or marriage with at least one owner operating a family farm; and (3) entities not controlled by persons related by blood or marriage where all owners and the entity itself operate a family farm. 7 C.F.R. § 762.120(i), (j); 7 C.F.R. § 1941.12(a)(5), (b)(5)-(6); 7 C.F.R. § 1943.12(a)(5), (b)(4)-(5) (2006). For these purposes, qualification as a "family farm" includes the requirements that the farm be directly managed by the individual borrower or entity owner responsible for its operation, and that "a substantial amount of the labor requirements for the farm enterprise" be provided by the individual borrower or the entity owner responsible for its operation, along with family members. 7 C.F.R. § 762.102, "Family Farm" (3), (4); 7 C.F.R. § 1941.4, "Family Farm" (c), (d); 7 C.F.R. § 1943.4, "Family Farm" (c), (d) (2006).

[4] *Available at* http://www.usda.gov/oce/smallfarm/sfpolicy.htm.

[5] Corporations, by contrast, are creatures of state law that were historically disfavored by the founders. *See Louis K. Liggett Co. v. Lee*, 288 U.S. 517, 549 (1933) (Brandeis, J., dissenting) (stating that "at first, the corporate privilege was granted sparingly; and only when

Dakota law requiring corporations to divest themselves of their agricultural land holdings within the state (with an exception for corporations that were predominantly owned by farmers residing on farmland), this Court has acknowledged the "*unqualified power* of the state to preclude [a corporation's entry] into the state." *Asbury Hospital v. Cass County*, 326 U.S. 207, 210-11 (1945) (rejecting Equal Protection and other constitutional challenges to state law) (emphasis added); *see also Hawaii Housing Authority v. Midkiff*, 467 U.S. 229, 245 (1984) (recognizing in a Takings case, "The Hawaii legislature enacted its Land Reform Act not to benefit a particular class of identifiable individuals but to attack certain perceived evils of concentration of property ownership in Hawaii—a legitimate public purpose."); *New Orleans v. Dukes*, 427 U.S. 297, 303 (1976) (noting in an Equal Protection case, "States are accorded wide latitude in the regulation of their local economies under their police powers.").

In cases where nondiscriminatory laws were challenged under the dormant Commerce Clause, this Court and other courts have found the state's interest in fostering family farms and rural communities outweighs any burdens placed on interstate commerce. *See, e.g., Parker v. Brown*, 317 U.S. 341, 362-63 (1943) (upholding California's raisin marketing order "because upon a consideration of all the relevant facts and circumstances it appears that the matter is one which may appropriately be regulated in the interest of the safety, health and well-being of local communities"); *Hampton Feed Lots v. Nixon*, 249 F.3d 814, 820 (8th Cir. 2001) (upholding against dormant Commerce Clause attack a Missouri price discrimination law that directly regulated the sale of livestock in

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the grant seemed necessary in order to procure for the community some benefit otherwise unattainable"); *Santa Fe Industries, Inc. v. Green*, 430 U.S. 462, 479 (1977) (reaffirming again that "corporations are creatures of state law") (internal quotation omitted).

Missouri for out-of-state packers by recognizing state "authority to determine the course of its farming economy").[6]

Furthermore, this Court has emphatically rejected the "notion that the Commerce Clause protects the particular structure or methods of operation in a . . . market." *Exxon Corp. v. Governor of Maryland*, 437 U.S. 117, 127 (1978) (upholding state law prohibiting vertical integration in the petroleum industry by prohibiting all petroleum producers and refiners from operating retail gas stations in Maryland even where all of the burden fell on out-of-state entities); *see also CTS Corp. v. Dynamics Corp. of Am.*, 481 U.S. 69, 92-93 (1987).

Despite these strong lines of cases supporting a state's right to enact laws to support a family-owned and -operated farm structure of agriculture, the lack of an authoritative decision

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[6] A string of other court decisions have also found the states' important interest in the preservation of family farms as economic units sufficient to withstand other constitutional challenges, including where the challenged law regulated corporate entry into agriculture. *E.g., MSM Farms, Inc. v. Spire*, 927 F.2d 330, 335 (8th Cir. 1991) (denying Equal Protection challenge to I-300 based on citizens' "reasonable judgment that prohibiting non-family corporate farming serves the public interest in preserving an agriculture where families own and farm the land"); *Hall v. Progress Pig, Inc.*, 610 N.W.2d 420, 429-431 (Neb. 2000) (rejecting Equal Protection Clause challenge to I-300 based on state's interest in "retaining and promoting family farm operations"); *State ex rel. Webster v. Lehndorff Geneva, Inc.*, 744 S.W.2d 801, 805-06 (Mo. 1988) (rejecting Equal Protection challenge to Missouri's regulation of corporate investment in agriculture); *see also Equip. Mfrs. Inst. v. Janklow*, 300 F.3d 842, 860 (8th Cir. 2002) (recognizing in a Contracts Clause case the "unquestionably significant and legitimate" state interest in "serving the farmer and rural communities in South Dakota"); *Van Kerssenbrock-Praschma v. Saunders*, 121 F.3d 373, 378 (8th Cir. 1997) (describing in an Equal Protection case "preserving the family farm system" as "a legitimate governmental purpose").

from this Court on the constitutionality of laws like I-300 has created significant confusion and uncertainty beyond just the Eighth Circuit's decision in this case. *See, e.g.*, Doug O'Brien, *Policy Approaches to Address Problems Associated with Consolidation and Vertical Integration in Agriculture*, 9 Drake J. Agric. L. 33, 34, 37 (2004) (describing problems associated with increasing consolidation and vertical integration in agriculture and noting obstacles caused by uncertainty of state authority to respond); Roger A. McEowen & Neil E. Harl, *South Dakota Amendment E Ruled Unconstitutional—Is There a Future for Legislative Involvement in Shaping the Structure of Agriculture?*, 37 Creighton L. Rev. 285, 302 (2004) (warning Eighth Circuit precedent "raises serious concerns about the analysis of future dormant Commerce Clause cases" and "could also have a chilling effect on further legislation impacting the future structure of agriculture"); *see also* Christy Anderson Brekken, *South Dakota Farm Bureau, Inc. v. Hazeltine: The Eighth Circuit Abandons Federalism, Precedent, and Family Farmers*, 22 Law & Ineq. J. 347 (2004).

Although this Court has recognized its dormant Commerce Clause jurisprudence "has not always been easy to follow," *CTS Corp.*, 481 U.S. at 87, important issues are presented clearly by this case and are ripe for review. Efforts by states like Nebraska to regulate how and when a farm entity may legally shield its owners from personal liability are consistent with prior cases from this Court that have recognized both the importance of the state's interest in preserving family farms and the state's authority to evenhandedly regulate the structure of its local agricultural markets. Given the number of states that have adopted laws similar to I-300, especially within the Eighth Circuit, it is essential to the day-to-day functioning of state governments, and to the mission and work of citizen groups like the *Amici Curiae* represented in this brief, to have clear guidance from this Court.

II. State Laws Like Nebraska's Initiative 300 Are Critically Important to Capture the Proven Social Welfare Benefits of a Family Farm System of Agriculture.

Social science supports the conclusion that the corporate structure of farm entities is directly tied to the health and well-being of rural communities. Government and academic studies consistently demonstrate the broad range of social benefits associated with family-owned and -operated farms, and show how the health and welfare of rural communities seriously decline as corporate owners, shielded from personal liability and physically removed from farming, take over farm operations.[7]

This result is in large part common sense: For-profit corporations, by nature, are creatures of state law that are specifically designed to allocate capital in what is deemed the most "efficient," or profitable, manner without regard to communities, neighborhoods, and families. *See, e.g., Louis K.*

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[7] The term "family farms," as it is used here, refers to farms on which day-to-day labor and management are provided by the farmer and/or the farm family. "Industrial farms," by contrast, are non-family-based production units characterized by absentee corporate ownership and a division of labor among owners, managers, and other hired labor. *See, e.g.,* Marty Strange, *Family Farming: A New Economic Vision* 32-42 (1988).

Ownership structure is a key difference between family and industrial farms; however, the size of the farm is also often used as a proxy for distinguishing industrial farms from more traditional family farms. "When social scientists refer to 'industrialized' farms, they invariably are referring to both scale and organizational characteristics of the farm unit." Linda M. Lobao, *Industrialized Farming and Its Relationship to Community Well-Being: Report Prepared for the State of South Dakota, Office of Attorney General* 4 (January 2000), http://www.agribusinessaccountability.org/pdfs//270_Industrialized%20Farming.pdf (prepared for *South Dakota Farmers Bureau v. South Dakota* in the United States District Court for the District of South Dakota).

Liggett Co. v. Lee, 288 U.S. 517, 565-66 (1933) (Brandeis, J., dissenting). In contrast, family farms, and the families that operate them, strive for different goals: building sustainable rural communities, promoting responsible stewardship of soil, water, and other resources, and ensuring through family ownership that land can be farmed by future generations. *See, e.g.*, Marty Strange, *Family Farming: A New Economic Vision* 32-42 (1988).

In the 1940s, at the direction of the U.S. Senate, anthropologist Dr. Walter Goldschmidt undertook one of the earliest objective comparisons of the community impacts of family farms and industrial farms. Goldschmidt studied two rural California communities in which the structure and size of farms were different, but the total value of farm production was almost identical. Walter Goldschmidt, *As You Sow: Three Studies in the Social Consequences of Agribusiness* xxiv, 306-14 (2d ed. 1978). One community was characterized by large-scale farms extensively employing wage laborers while the other was characterized by smaller family-owned and -operated farms. *Id.* at 279-82, 316-20.

Goldschmidt concluded that residents of the community with larger, industrialized farms realized a lower standard of living and quality of life as compared to the residents of the community with smaller family farms. *Id.* at 282-84. Residents of the community dominated by industrial farms had lower levels of income and educational attainment. *Id.* Further, the fiscal and political structure of the community was controlled by the owners of those industrial farms, who did not live in the community and cared little about the quality and diversity of public services. *Id.* In contrast, Goldschmidt concluded that a greater concentration of independent family farmers created an economic structure with more evenly distributed incomes and a larger middle class. *Id.* These communities also had more comprehensive and better quality public services because the family farmers lived and worked in the same community and

took a strong interest in local government and the services it provided. *Id.*

Since Goldschmidt published his results, research continues to confirm the "detrimental effects of industrial farming on many indicators of community quality of life, particularly those involving the social fabric of communities." Linda M. Lobao, *Industrialized Farming and Its Relationship to Community Well-Being: Report Prepared for the State of South Dakota* 22(Jan. 2000), http://www.agribusinessaccountability.org/pdfs//270_Industrialized%20Farming.pdf (last visited Feb. 26, 2007) (summarizing 38 studies of industrial farming and community well-being); *see also* Curtis W. Stofferahn, *Industrialized Farming and Its Relationship to Community Well-Being: An Update of a 2000 Report by Linda Lobao* 19, 30 (Sept. 2006), http://www.und.nodak.edu/misc/ndrural/Lobao%20&%20Stofferahn.pdf (last visited Feb. 26, 2007) (reviewing 56 studies on the effect of industrialized farming on community well-being and concluding 82 percent of these studies found some level of detrimental effect resulting from industrialized farming); Linda M. Lobao, *Locality and Inequality: Farm and Industry Structure and Socioeconomic Conditions* 53-75 (1990); Thomas A. Lyson & Rick Welsh, *Agricultural Industrialization, Anticorporate Farming Laws, and Rural Community Welfare*, 37 Environment and Planning A:1479, 1481 (2005).

In particular, industrial farming leads to declines in local population, lower incomes and lower standards of living, lower numbers and quality of community services, lower community integration and greater psychological stress, and a less diverse economic base and higher unemployment." David J. Peters, Technical Paper P-0702-1, *Revisiting the Goldschmidt Hypothesis: The Effect of Economic Structure on Socioeconomic Conditions in the Rural Midwest* 4 (Mo. Econ.

Research and Info. Ctr., 2002);[8] *see also* Lyson & Welsh, *Agricultural Industrialization* at 1481. Industrial farming has also been shown to result in increased crime, increased social conflict, loss of democratic decision-making as industrial interests dominate local politics, decline in the number of churches and local retail units, and environmental consequences including ecosystem strains and increased environmental violations. Lobao, *Industrialized Farming* at 15-16. In locations near large industrial hog confinement structures in particular, neighbors also complain of health problems and declining property values. *Id.* at 16.[9]

In contrast, counties dominated by moderate-sized family farms "consistently have better socioeconomic well-being, including lower family poverty, higher median family income, lower unemployment, and lower infant mortality." *Id.* at 7. Greater concentrations of farm proprietorships—defined as unincorporated farms owned by an individual—also produce better health and socioeconomic conditions for children. Peters, *Revisiting the Goldschmidt Hypothesis* at 17, 21, 24. Children in counties dominated by more farm proprietorships, with fewer

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[8] *Available at* http://www.missourifarmersunion.org/conf03/goldschmidt03.pdf.

[9] Large industrial farms can also cause significant environmental damage to a state's soil, water, and natural resources. In addition to the sheer consequences of their size, industrial corporate farms' liability shield, and the fact that their investors are not themselves living in the local environment, combine to make these entities even more risky to the environment. Although this brief will not exhaust the arguments about the environmental degradation caused by industrial farming, additional information on this issue can be found in Mark Lawrence, *Studying the Impacts of Industrial Confined Animal Feeding Operations: A Review of the Literature* 10, http://www.kerrcenter.com/publications/hogodorreview.pdf (last visited Feb. 26, 2007).

community members employed in industrial agriculture, measured better on four tested indicators—the percent of children enrolled in free and reduced price lunch programs, low birth weight infants, births to teen females, and the high school drop out rate. *Id.* at 8.

Interestingly, this Peters study determined that concentration of similar non-farm unincorporated businesses did not have the same impact, indicating "it is not proprietorships in general that matters, but that there is something unique about the economic activity of farming." *Id.* at 24. Peters explained this by pointing to other studies that have found that

> in farm families there is a high degree of overlap between business, leisure and family life that is not found in other types of family business. Farming also differs in that it is much more than an economic activity, but is a lifestyle rooted in certain values regarding the family and the land.

Id. The priority placed on intergenerational farm succession in many farm families also helps explain this phenomenon. *Id.*

Family farms also produce more employment than their industrial counterparts. One study revealed that large-scale hog farms displace about three times the number of independent hog farmers than they create in jobs. *See* John E. Ikerd, *The Economic Impacts of Increased Contract Swine Production in Missouri: Another Viewpoint*, http://www.ssu.missouri.edu/faculty/jikerd/papers/con-hog.htm (last visited Feb. 26, 2007). Studies have also confirmed that smaller operations make more of their purchases from local suppliers than do larger enterprises. Mark Lawrence, *Studying the Impacts of Industrial Confined Animal Feeding Operations: A Review of the Literature* 10, http://www.kerrcenter.com/publications/hogodorreview.pdf (last visited Feb. 26, 2007). Accordingly, rural development experts estimate that for every five to seven farms that go out of business, one business in the rural community closes. Osha Gray

Davidson, *Broken Heartland: The Rise of America's Rural Ghetto* 57 (1990).

The federal government has also recognized the importance of family farms to the general welfare of rural communities and to the overall health of our nation. The United States Department of Agriculture (USDA) has espoused a vision of American agriculture that focuses on "farms with less than $250,000 gross receipts annually, *on which day-to-day labor and management are provided by the farmer and/or the farm family* that owns the production or owns, or leases, the productive assets." *A Time to Act: A Report of the USDA National Commission on Small Farms* 28 (1998) (emphasis added).[10] As a shorthand, USDA refers to these farms as "small farms" but the requirement of direct and active management is essential, and the USDA has recognized family farms' benefits:

> Small farms contribute more than farm production to our society. Small farms embody a diversity of ownership, cropping systems, landscapes, biological organization, culture, and traditions. Since the majority of farmland is managed by a large number of small farm operators, the responsible management of soil, water, and wildlife encompassed by these farms produces significant environmental benefits. Decentralized land ownership produces more equitable economic opportunity for people in rural communities, and offers self-employment and business management opportunities. Farms, particularly family farms, can be nurturing places for children to grow up and acquire the values of responsibility and hard work.

Id. at 8.

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[10] *Available at* http://www.csrees.usda.gov/nea/ag_systems/pdfs/time_to_act_1998.pdf.

Finally, studies show that state efforts "to discourage the development of a nonfamily-based corporate agriculture and to retain an agricultural industry that is dominated by family-owned, family-operated and family-controlled production units" are successful. Lyson & Welsh, *Agricultural Industrialization* at 1483, 1489-90. A comparison of agriculture-dependent counties in states with corporate farming laws, such as Nebraska, to those without such laws, reveals that the tested counties in states with corporate farm laws have fewer families in poverty, lower unemployment, and a higher percentage of farms realizing cash gains. Rick Welsh & Thomas A. Lyson, *Anti-Corporate Farming Laws, The "Goldschmidt Hypothesis" and Rural Community Welfare* 19-22, http://www.askfarmerbrown.org/welshlyson.pdf (last visited Feb. 26, 2007).

Thus, social science supports the logic of Nebraska's chosen distinction between family-owned corporate farm entities and non-family-owned corporate farm entities. The Eighth Circuit's decision deprives states of a long-held and important method of fostering healthy and viable rural communities. States must have the authority to regulate their local economies for the health and welfare of their citizens and communities. *See Dukes*, 427 U.S. at 303. Maintaining a family farm system of agriculture is critical for a range of social welfare indicators, and it is a proper role for states to act to capture and promote these benefits by regulating non-family-based corporate investment in agriculture. Given the significance of these issues for the future of American agriculture and, for that matter, all of rural America, it is essential that this Court accept review of this case and reverse the Eighth Circuit.

III. Initiative 300 Does Not Discriminate Against Interstate Commerce and Its Benefits Far Outweigh Any Incidental Burden.

A. Initiative 300 Is an Evenhanded Regulation.

I-300 is blind to the citizenship of its regulated parties, and permits both in- and out-of-state citizens to own farmland and to engage in farming as long as they meet the same neutral criteria. Because out-of-state corporations are treated the same as in-state corporations, there can be no discrimination. *See Or. Waste Sys., Inc. v. Dep't of Envtl. Quality*, 511 U.S. 93, 99 (1994). I-300 treats all parties equally by prohibiting *all* limited liability entities from owning farmland or engaging in farming—regardless of the place of incorporation and regardless of the investors' citizenship or residency. The existence of an exception for family farm or ranch corporations does not make I-300 discriminatory because, as Nebraska has made clear, both in- and out-of-state corporations may qualify for the family farm exception.

The fact that five of the six plaintiffs in this case are Nebraska residents underlines the conclusion that I-300 does not discriminate in favor of Nebraska residents. *See Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 473 n.17 (1981) ("The existence of major in-state interests adversely affected by the Act is a powerful safeguard against legislative abuse."). I-300 applies equally to in-state residents and to entities incorporated in Nebraska. Nebraska corporations cannot engage in farming unless they too qualify as a family farm corporation, or meet one of the other neutral exceptions. Thus, a Nebraska corporation that is not majority-owned by a family, or in which no family member resides on or actively manages any portion of the corporate-owned farm, would be equally barred from owning farmland or engaging in farming in Nebraska.

This Court has held "[t]he fact that the burden of a state regulation falls on some interstate companies does not, by itself, establish a claim of discrimination against interstate commerce."

Exxon Corp., 437 U.S. at 126. Moreover, courts should "not invalidate a state statute . . . merely because some legislators sought to obtain votes for the measure on the basis of its beneficial side effects on state industry." *Clover Leaf Creamery*, 449 U.S. at 463 n.7; *see also id.* at 471 n.15 (expressly applying this language to dormant Commerce Clause analysis). States clearly only have authority to regulate within their states, and their state police power authorities only go to their own citizens. Thus, it cannot be discrimination merely to attempt to regulate for the benefit of Nebraska's own rural communities, and this Court should grant this writ to avoid an unwanted acceleration of dormant Commerce Clause challenges to a host of traditional exercises of state police powers, particularly at this vulnerable time for the future of rural America.

B. The Benefits of Initiative 300 to Rural Welfare Far Outweigh Any Incidental and De Minimis Impact on Interstate Commerce.

Because I-300 is not discriminatory and is justified by a legitimate and recognized state interest, it is subject to the *Pike* balancing test. *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970). Thus, the plaintiffs must prove that an actual burden exists upon interstate commerce and that the burden outweighs any putative local benefit to Nebraska rural communities. The burden in this case is slight at best. Out-of-state corporate interests can own and operate farms in Nebraska as long as they meet the same requirements that a Nebraska corporation must—that a member of the family owning a majority of the corporation reside on or provide the day-to-day labor or management on some portion of the corporate-owned farm. In addition, any individual or entity that maintains personal liability can farm or ranch in Nebraska regardless of citizenship or residency. Thus, the burden of I-300 on interstate commerce is, at most, de minimis.

In comparison, Nebraska's interest in maintaining the social, economic, and environmental health and welfare of its rural communities is significant. I-300 promotes Nebraska's

interest in preventing unrestricted corporate ownership of farm operations, and supporters of I-300 reasonably feared this type of absentee ownership "would adversely affect the rural social and economic structure, and would result in decreased stewardship and preservation of soil, water, and other natural resources." *MSM Farms, Inc.*, 927 F.2d at 333. In addition, as described in detail in Part II of this brief, studies consistently show that family farms are indeed better for rural communities, and that rural counties in states with corporate farm laws fare better in critical welfare measures. *E.g.,* Lobao, *Locality and Inequality* at 53-75; Welsh & Lyson, *Anti-Corporate Farming Laws* at 19-22.

The benefits of reducing poverty, unemployment, and social discord, while improving civic participation and children's health, clearly outweigh any burden placed on non-family farm corporations seeking to farm in Nebraska. Therefore, I-300 is constitutional, and the Eighth Circuit decision to the contrary must be reversed.

CONCLUSION

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectfully Submitted,

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APPENDIX

INDIVIDUAL STATEMENTS OF INTEREST OF *AMICI CURIAE*

1. The **National Farmers Union** (NFU), officially called the Farmers Educational and Cooperative Union of America, is a farm organization with a membership of nearly 250,000 farm and ranch families throughout the United States. NFU is a federation, with the presidents of the 23 state and one regional (covering three states) Farmers Union organizations serving as its board of directors. For more than 100 years, NFU's primary goal has been to sustain and strengthen family farm and ranch agriculture.

2. The **National Family Farm Coalition** (NFFC) represents 35 grassroots farm and rural advocacy organizations in more than 30 states. Formed in 1986, the coalition coordinates the efforts of a growing network of grassroots organizations committed to preserving and enhancing a family farm production system in the United States. NFFC's work includes education, outreach, and advocacy for stable rural communities, safe food, and the preservation of natural resources through family farming.

3. **American Corn Growers Association** (ACGA) is America's leading progressive commodity association, representing the interests of corn producers in 35 states. Since its inception in 1987, the ACGA has worked tirelessly to enhance farm income and protect rural communities. ACGA members work together on economic, policy, and research issues affecting rural communities.

4. The **Campaign for Family Farms and the Environment** (CFFE) is an unincorporated association of family farm and community membership organizations including the Citizens Action Coalition of Indiana, Illinois Stewardship Alliance, Iowa Citizens for Community Improvement, Land Stewardship

Project, and Missouri Rural Crisis Center. CFFE and its members seek to develop and implement farm policies, farming practices, and marketing systems that help family farms and rural communities thrive. CFFE and its member organizations believe laws that restrict non-family-based corporations' involvement in farming are an important part of state policy supporting family farming.

5. The **Center for Rural Affairs** is a private, non-profit organization incorporated and operating in the State of Nebraska, which undertakes public policy advocacy, research, service, and educational work to support the independent and family farm and ranch system of agriculture. The Center for Rural Affairs is a proponent of Initiative 300 and assisted in the drafting of Initiative 300 and the petition drive to place Initiative 300 on the 1982 general election ballot.

6. The **Federation of Southern Cooperatives** (FSC) is a service, resource, and advocacy association for a constituency of 25,000 low-income families organized into over 100 cooperatives in rural communities across the South. An outgrowth of the Civil Rights Movement, one of FSC's mission areas is advocacy for public policy changes to assist family farmers and rural poor people to improve their lives and communities.

7. **Great Plains Environmental Law Center** (GPELC) is a nonprofit environmental law and advocacy organization located in Omaha, Nebraska. GPELC volunteers provide legal assistance to environmental organizations and family farm groups concerned with the negative environmental impact of corporate farming practices in the Great Plains Region.

8. The **Institute for Agriculture and Trade Policy** is a national non-profit organization that has worked for more than twenty years to support family farmers and promote sound agricultural policy. An on-farm ownership presence is at the heart of our mission.

9. **Western Organization of Resource Councils** (WORC) is a network of grassroots organizations from seven states that includes 9,500 members and 45 local community groups. WORC's seven state organizations are: Dakota Resource Council (North Dakota), Dakota Rural Action (South Dakota), the Idaho Rural Council (Idaho), the Northern Plains Resource Council (Montana), Oregon Rural Action (Oregon), the Powder River Basin Resource Council (Wyoming), and the Western Colorado Congress (Colorado). WORC's mission is to advance the vision of a democratic, sustainable, and just society through community action.

10. The **American Corn Growers of Nebraska** is the state chapter of ACGA. The ACGA of Nebraska is an active supporter of continued viability and enforcement of Initiative 300.

11. **Arkansas Farmers Union** (AFU) is a non-profit membership-based organization with approximately 13,900 members. AFU works to protect and enhance the economic interests and quality of life of family farmers and ranchers in rural communities.

12. **California Farmers Union** (CFU) works to promote the well-being of rural California and specifically supports California family farmers. CFU serves its membership by presenting the organization's policies to lawmakers at the local, state, and national level. CFU also assists with the development of farmer-owned cooperatives.

13. Founded in 1974, **Citizens Action Coalition of Indiana** (CAC) is a non-profit coalition of organizations with more than 250,000 individual members throughout Indiana. For over two decades, CAC has worked to empower citizens and promote economic and environmental justice, including promotion of family-farm-based agriculture.

14. **Dakota Resource Council** (DRC) is a grassroots organization formed in 1978 to protect North Dakota's natural

resources, rural communities, and agricultural economy. DRC is working for preservation of family farms, enforcement of corporate farming laws, protection of groundwater and clean air, and renewable energy.

15. **Dakota Rural Action** (DRA) is a grassroots family agriculture and conservation group that organizes South Dakotans to protect family farmers and ranchers and main street businesses while preserving natural resources, a clean environment, and a unique rural way of life. Formed in 1987, DRA makes supporting a family-based system of agriculture a top priority.

16. **Farms Without Harm** is a non-profit network of concerned citizens and small farmers that support safe, sustainable farming in Michigan. Farms Without Harm educates legislators and the public about the negative impact of factory farms on health, the environment, the local economy, and animal welfare.

17. **Friends of the Constitution** is a 21-member coalition that has existed since the adoption of Initiative 300 with the sole purpose of defending and enforcing Initiative 300. Its members are: American Corn Growers Association, Citizens for Air, Resources and Environment, Center for Rural Affairs, Custer County Sustainable Agriculture Society, League of Rural Voters, Mid-Nebraska PRIDE, Nebraska Appleseed Center for Law in the Public Interest, Nebraska Catholic Conference, Nebraska Chapter–Sierra Club, Nebraska Grange, Nebraska Lutheran Advocacy, Nebraska Farmers Organization, Nebraska Farmers Union, Nebraska Sustainable Agriculture Society, Nebraska Wildlife Federation, Nebraska–Worth Fighting For, Nebraskans for Peace, Northeast Nebraska Ag Support Group, Saunders County Livestock, Save Our Rural Resources, and Women Involved in Farm Economics.

18. **Illinois Farmers Union** (ILFU) is a non-profit advocacy group representing family farmers across the state of Illinois.

ILFU has more than 700 members statewide. Founded in 1954, ILFU is committed to providing effective grassroots leadership to build a sustainable economic system in which family farms and rural communities thrive and prosper. ILFU has worked to preserve Illinois's restrictions on corporate ownership of farmland and livestock.

19. The **Illinois Stewardship Alliance** (ISA) is a membership organization founded in 1974 as the Illinois South Project. ISA is a citizens' organization that promotes a safe and nutritious food system, family farming, and healthy communities by advocating diverse, humane, socially just, and ecologically sustainable production and marketing practices.

20. **Indiana Farmers Union** (INFU) is a producer-driven membership organization with approximately 750 members. INFU's primary goal is to sustain family farms and strengthen rural Indiana. INFU supports passage of a law regulating corporate-owned farms in Indiana and nationally.

21. **Iowa Farmers Union** (IFU) is a non-profit advocacy group representing family farmers across the state of Iowa. IFU's mission is to promote a viable system of sustainable agriculture and a high quality of life in rural communities. IFU supports and has worked to preserve Iowa's restrictions on corporate ownership of farmland and livestock.

22. **Kansas Farmers Union** (KFU) is a non-profit membership-based organization with approximately 9,000 members, a significant number of whom are Kansas farmers. Founded in 1907, KFU works to protect and enhance the economic interests and quality of life of family farmers and ranchers in rural communities. KFU policy supports legislation similar to Nebraska's corporate farm law in Kansas.

23. The **Land Stewardship Project** (LSP) is a membership organization founded in 1982 and based in Minnesota. LSP's mission is to foster an ethic of stewardship for farmland, promote sustainable agriculture, and develop sustainable

communities. Hundreds of LSP's members are family farmers, and farming is an important element of the economies and environment of Minnesota's rural communities where these members live. LSP supports and has worked to preserve Minnesota's corporate farming law.

24. **Michigan Farmers Union** (MIFU) is a statewide family farm and rural advocacy organization. Established in 1932, MIFU is dedicated to strengthening the family farm system. Its policies are designed to reaffirm the family farm structure as the primary agricultural system and to assure rural and urban stability, the preservation of human and natural resources, and the dignity of the individual and family.

25. **Minnesota Farmers Union** (MFU) is a non-profit membership-based organization with approximately 23,400 members, about 95 percent of whom are Minnesota farmers. Founded in 1929, MFU works to protect and enhance the economic interests and quality of life of family farmers and ranchers in rural communities. MFU has lobbied at the Minnesota legislature to protect Minnesota's corporate farming law, Minn. Stat. § 500.24.

26. **Missouri Farmers Union** (MOFU) is a non-profit membership-based organization with approximately 1,500 members, all of whom are Missouri farmers. Founded in 1999, MOFU works to protect and enhance the economic interests and quality of life of family farmers and ranchers in rural communities. MOFU has been active in lobbying for family farmers and ranchers and has encouraged the passage of a stricter Missouri corporate farming law.

27. The **Missouri Rural Crisis Center** (MRCC) is a non-profit organization founded in 1985 by Missouri farmers and rural citizens, with more than 5,500 member families statewide today. MRCC's mission is to preserve family farms, promote stewardship of the land and environmental integrity, and strive for justice among diverse groups, both rural and urban.

28. The **Montana Farmers Union** (MTFU) is a non-profit membership-based organization with approximately 1,850 members, about 95 percent of whom are Montana farmers. Established in 1916, MTFU is organized to serve the interests of Montana farm and ranch families, along with rural communities, through the principles of education, legislation, and cooperation for economic prosperity and quality of life for all Montanans.

29. **Nebraska Environmental Action Coalition** (NEAC), a non-partisan, non-profit organization, is a statewide affiliation of individuals and organizations whose goal is the protection and preservation of Nebraska's natural heritage—its air, water, soil, and beauty—by addressing environmental and sustainability concerns in both its agricultural systems and urban infrastructure.

30. **Nebraska Farmers Union** (NEFU) is the second largest general farm organization in the State of Nebraska, and has been, and continues to be, dedicated to protecting and enhancing the economic well-being and quality of life of family farmers and ranchers and their rural communities. NEFU was actively involved in drafting Initiative 300, organizing the petition drive to place Initiative 300 on the 1982 general election ballot, and otherwise advocating for Initiative 300.

31. The **Nebraska Grange** is the state chapter of the National Grange, the nation's oldest national agricultural organization. The Nebraska Grange provides service to agricultural and rural areas on a wide variety of issues, designed to assure a strong and viable rural America. The Nebraska Grange was a proponent of Initiative 300 and assisted in advocating on behalf of Initiative 300 in the 1982 election.

32. **Nebraska Women Involved in Farm Economics** (WIFE) is an agricultural association organized in 1976 at Sidney, Nebraska. WIFE supports the family farm concept as the most efficient and reliable source for a secure food supply system. WIFE was a proponent of Initiative 300, assisting in drafting

Initiative 300, circulating petitions, and advocating for its passage.

33. Founded in 1927, **North Dakota Farmers Union** (NDFU) is a producer-controlled organization dedicated to serving its 37,000 North Dakota family members. NDFU believes that the family farm system of agriculture is the only way to ensure rural and urban stability, national prosperity, the preservation of human and natural resources, and the dignity of the individual and the family.

34. **Ohio Farmers Union** (OFU) is a non-partisan, non-profit advocacy group and service provider to a membership consisting of approximately 5,800 families. For 72 years, OFU has engaged in activities in Ohio with a goal of supporting and sustaining a family-farm-based system of agriculture. OFU's primary goal is to sustain and strengthen family farm and ranch agriculture. OFU supports the rights of communities to express their preferences in structuring their societies and supports legislation such as Nebraska's Initiative 300.

35. **Pennsylvania Farmers Union** (PFU) has approximately 1,400 members. PFU's mission includes supporting family-farm-based agriculture.

36. Founded in 1973, the **Powder River Basin Resource Council** is a grassroots organization of ranchers and landowners working to conserve Wyoming's natural resources and preserve and strengthen family ranches and farms to ensure a future for the state's small towns and rural economies. Powder River has more than 1,000 members, primarily in northeastern Wyoming.

37. **Rocky Mountain Farmers Union** (RMFU) represents approximately 23,000 family farm and ranch members in Colorado, New Mexico, and Wyoming. Founded in 1907, RMFU works to protect and enhance the economic interests and quality of life of family farmers and ranchers and the rural communities where they live.

38. **South Dakota Farmers Union** (SDFU) is a grassroots organization of about 10,000 members and has been the voice of South Dakota farm families for nearly a century. SDFU works as farmers' "hired hand" in the halls of state and federal government.

39. **Texas Farmers Union** promotes and protects the interests of family farmers and ranchers and others who live in rural communities, to inform and educate agricultural producers about their economic environment and about legislation which might affect their well-being.

40. **Utah Farmers Union**, a non-profit organization, was chartered in 1954 and currently has about 2,700 members. Its family farmer and rancher membership is concerned about corporate engagement in agriculture.

41. **Washington Farmers Union** (WAFU) is a state-based farm organization committed to the sustainability of family farming. WAFU's work includes efforts to support family farmers by achieving fair markets for farmers and addressing environmental issues in Washington state.

42. **Wisconsin Farmers Union** (WFU) is committed to enhancing the quality of life for family farmers, rural communities, and all people through educational opportunities, cooperative endeavors, and civic engagement. Chartered in 1930, WFU has a long history of advocacy on behalf of family farms and rural people, and is a strong proponent of Wis. Stat. Ann. § 182.001, which restricts corporate involvement in agriculture.